



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

**Petition for Order to Remove Administrator of Estate and to Allow Appointment of
Named Alternate Co-Executrix**

DOD: 10/28/08		KATHY McGOWAN , daughter/Co-Executrix, is Petitioner. Petitioner states: 1. She was appointed Co-Executrix along with Yvonne McDowell, surviving spouse of the decedent, on 11/04/10. 2. Yvonne McDowell ("Yvonne") should be removed as Co-Executrix of the decedent's estate on the following grounds: a. Yvonne has failed to respond to her attorneys since September 22, 2010 and the estate cannot be completed for distribution to the beneficiaries without her; b. Mail to Yvonne at the family home has been returned and it is Petitioner's understanding that the home was foreclosed and Yvonne moved; c. Mail to the forwarding address for Yvonne has not been returned by the U.S. Postal Service, but Yvonne has failed to respond to numerous letters requesting her assistance to close the estate, or in the alternative, to resign as Co-Executrix. 3. Jacqueline McDowell, the named alternate Co-Executrix in decedent's will has agreed to accept appointment as Co-Executrix so that the estate distribution can be completed. Petitioner prays for an Order: 1. That the Court issue a Citation directed to Yvonne Hervey McDowell as Co-Executrix of the decedent's estate requiring her to appear and show cause why she should not be removed and her Letters Testamentary be revoked; 2. That the Court remove and revoke the Letters Testamentary of Yvonne Hervey McDowell; and 3. That the Court appoint Jacqueline McDowell as Co-Executrix with Kathy McCowan, the current acting and appointed Co-Executrix.	NEEDS/PROBLEMS/COMMENTS:	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail		w/	
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		Reviewed by: JF		
		Reviewed on: 03/25/13		
		Updates:		
		Recommendation:		
		File 1 - McDowell		

DOD: 7/29/10		FRANK HINE , Brother, was originally appointed Administrator with Full IAEA with bond of \$118,260.00 on 1/5/11.	NEEDS/PROBLEMS/COMMENTS:
		On 2/23/12, Attorney Jeff Reich filed a motion to be relieved as counsel. At hearing on 4/4/12, a Substitution of Attorney was filed and the Court noted for the record that Attorney Krbechek is now attorney of record.	Note: It appears that this status hearing should come off calendar. There is a status hearing currently set on 6/21/13 for the filing of the first account or petition for final distribution.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.	I&A filed 6-6-12 indicates a total estate value of \$134,550 including real property and various vehicles and personal property items.	In addition, at the status hearing on 3/22/13, it was discovered that the Letters issued on 10/24/12 allowed full IAEA authority when the Court granted only limited authority. The court directed Mr. Krbechek to submit corrected letters with limited powers. That status hearing was continued to 5/3/13.
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	On 6/15/12, the Court decreased the bond amount to \$45,000.00 and reduced Administrator's authority under the IAEA to limited authority requiring confirmation of sale.	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Letters issued on 10/24/12.	
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail	This status hearing was set by minute order dated 4/4/12.	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
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			Reviewed by: KT Reviewed on: 3/26/13 Updates: Recommendation: File 2 - Hine

DOD: 08/25/12		<p>DELIA GONZALEZ, sister, was appointed Administrator on 10/10/12 with bond set at \$100,000.00. Letters of Administration were issued on 10/15/12.</p> <p>On 01/18/13, the Administrator filed a Petition to Authorize and Instruct the Administrator, hearing was set for 02/28/13. Among other things, the Petition requested court approval to pay a Creditor's Claim filed by the Fresno County Department of Child Support Services and sought authorization to pay Beverly Gillespie ongoing child support from 09/01/12 until Ms. Gillespie's two children reach age 18 or graduate from high school.</p> <p>Minute Order from hearing on 02/28/13 states: The petition is granted as to all issues regarding JDM Brokerage and JDM Transport. The petition regarding child support is continued to 04/04/13. Counsel is directed to speak with mother, Beverly Gillespie, in an effort to resolve the issue of support.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need status update regarding issue of child support.</p>
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
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Notice of Hrg			
Aff.Mail			
Aff.Pub.			
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Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 03/25/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 – De La Mora</p>	

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD:10/12/2012			EDDIE J. ROGERS , son is petitioner and requests appointment as Administrator with Will Annexed without bond. Full IAEA - ? Will dated: 01/30/1982 Residence: Sanger Publication: Needed <u>Estimated value of the Estate:</u> Personal property \$55,000.00 Real property \$89,000.00 Total: \$144,000.00	NEEDS/PROBLEMS/COMMENTS: 6B is the competing Petition of Carole L. Harsch, decedent's daughter. 6C is the Petition for Order to Produce Will filed by the decedent's daughter. 1. Need Affidavit of Publication. 2. Need Notice of Petition to Administer Estate. 3. Need proof of service of Petition to Administer Estate on the following: <ul style="list-style-type: none"> • Carole L. Harsch • Dana Thompson • Calvin Rogers • Sandy Labbe • Billie Lee Rogers 4. Need original Will to be deposited with the Court pursuant to Probate Code §8200 (a)(1). 5. Will waives bond for named executor of the will. Eddie J. Rogers was not named in the will therefore need waivers of bond from the following: <ul style="list-style-type: none"> • Eddie J. Rogers • Carole L. Harsch • Calvin Rogers • Sandy Labbe Or the bond set at \$144,000.00 <p align="center"><u>Please see additional page</u></p>
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.	s/p		
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg	x		
<input type="checkbox"/>	Aff.Mail	x		
<input type="checkbox"/>	Aff.Pub.	x		
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Note: If the petition is granted status hearings will be set as follows:

- **Friday, 09/06/2013 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Friday, 06/06/2014 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

Probate of Will and for Letters of Administration with Will Annexed; Authorization to Administer Under the Independent Administration of Estates Act

DOD: 10/12/2012			<p>Carole L. Harsch, daughter is petitioner and requests appointment as Administrator with Will Annexed without bond.</p> <p>Full IAEA – o.k.</p> <p>Will dated: 01/30/1982</p> <p>Residence: Sanger Publication: The Business Journal</p> <p>Estimated value of the Estate: Personal property \$225,000.00</p> <p>Probate Referee: Steven Diebert</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Proposed personal representative is a resident of Nevada. Probate Code §8571 states not withstanding a waiver of bond, the Court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the Court. Need original Will to be deposited with the Court pursuant to Probate Code §8200 (a)(1). Attachment 3(d)(2) to the Petition states every beneficiary requests bond be waived. Need signed waivers of bond from Eddie J. Rogers and Dana Thompson or bond set at \$225,000.00. Need Duties & Liabilities of Personal Representative. Need Affidavit of Publication in the correct newspaper pursuant to Local Rule 7.9.A. Petitioner states that the decedent resided in Sanger therefore the correct publication should be The Sanger Herald. Petitioner published in The Business Journal. #5a(7) or #5a(8) of the Petition is not answered regarding issue of predeceased child. <p>Please see additional page</p>
Cont. from				
	Aff.Sub.Wit.	s/p		
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	w/o		
✓	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: LV
Reviewed on: 03/22/2013
Updates:
Recommendation:
File 6B – Rogers

Note: If the petition is granted status hearings will be set as follows:

- **Friday, 09/06/2013 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal **and**
- **Friday, 06/06/2014 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

Petition for Order to Produce Will

DOD: 10/12/2012		Carole L. Harsch , daughter is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Petition for Order to Produce Will states that attached to the Petition is Exhibit A, a letter dated 02/19/2013 that was delivered to Eddie J. Rogers demanding production of the will, however it is not attached.
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Petitioner states: on or about 11/15/2012, petitioner and Eddie J. Rogers, discussed the death of their father James Edward Rogers, and the fact that Petitioner needs the will to commence probate proceedings. Eddie J. Rogers told petitioner he had the will and was not going to allow it to be released from his custody, either to Petitioner or to the Court directly. Petitioner believes, based on comments from Eddie J. Rogers, that he tried to get the decedent to sign a new will more beneficial to Eddie J. Rogers and therefore will not allow the will to be probated.

Eddie J. Rogers further stated to Petition that he took the will from his sister, Dana Thompson, who had located the will in the decedent's drawers and boxes shortly after his death.

Further, Eddie J. Rogers changed the locks on the real property which is the subject of the current probate, installed an alarm and has refused to provide the alarm code or keys to any of Petitioner's surviving siblings.

Petitioner prays for a Court Order requiring Eddie J. Rogers to deliver the original will of the decedent, James Edward Rogers, either to counsel for petitioner or directly to this court.

Reviewed by: LV

Reviewed on: 03/22/2013

Updates:

Recommendation:

File 6C – Rogers

Petition to Determine Succession to Real Property and Personal Property (Prob. C.
13151)

DOD: 10/20/2012	JUDY SMILEY , surviving spouse, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Attachment 11 does not include decedent's interest in the property. 2. Inventory and Appraisal appears to be a copy. Need original.
	40 days since DOD	
Cont. from	No other proceedings	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
Inventory	I&A - \$118,500.00	
PTC	Will dated 09/09/2008 devises all property both real and personal to surviving spouse, Judy Smiley.	
<input checked="" type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen	Petitioner requests Court determination that decedent's interest in real property located at 2804 E. Gettysburg Ave, Fresno California, and man's wedding ring, dinner ring, furniture and furnishings, and men's clothing pass to Judy Smiley pursuant to decedent's will.	
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 03/22/2013
		Updates:
		Recommendation:
		File 10 - Smiley